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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Richard ASSAKER *et al.*) Group Art Unit:
Serial No.: 10/771,284) Examiner:
CIP of U.S. Serial No. 10/693,604)
and U.S. Serial No. 10/134,463)
Filed: February 5, 2004)

For: BONE PLATE ASSEMBLY

Mail Stop: Interference
Director of the U.S. Patent and Trademark Office
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Alexandria, VA 22313-1450

**REQUEST FOR DECLARATION OF INTERFERENCE
UNDER 37 C.F.R. § 1.607(a) AND FOR EXAMINATION OF
THE APPLICATION WITH “SPECIAL DISPATCH” UNDER
37 C.F.R. § 1.607(b)**

Sir:

Applicants respectfully request, pursuant to 37 C.F.R. § 1.607, that the U.S. Patent and Trademark Office (USPTO) declare an interference between the above-identified U.S. Application No. 10/771,284 (“the Present Application”) and U.S. Patent No. 6,224,602. The information required by § 1.607(a) is set forth below under headings that correspond to the subsections of § 1.607(a). Pursuant to 37 C.F.R. § 1.607(b), Applicants respectfully request that the examination of the Present Application be conducted “with special dispatch.”

(1) Identification of the Patent

The patent that includes the subject matter that interferes with subject matter claimed in the Present Application is U.S. Patent No. 6,224,602 (“the ‘602 Patent”), issued on May 1, 2001, to Kyle Hayes for a “Bone Stabilization Plate with a Secured-Locking Mechanism for Cervical Fixation.” The ‘602 Patent issued from U.S. Application No. 09/415,805, filed October 11, 1999. Interpore Cross International is the assignee named on the face of the patent.

(2) Proposed Count

A proposed count (hereinafter “the Count”) is set forth in Appendix A. The Count is directed to a bone plate assembly comprising a fixation plate, a locking plate, and a bone fastener. The fixation plate can be fixed to a bone by the bone fastener. The locking plate is secured to the fixation plate and is longitudinally adjustable along the longitudinal axis of the fixation plate from a first position in which the bone fastener can be fixed to the bone to a second position in which the bone fastener is locked into position by the locking plate.

The Count is identical to issued claim 1 in the ‘602 Patent. At least one claim in the ‘602 Patent and at least one claim in the Present Application correspond to the Count. The Count defines the common subject matter between the Present Application and the ‘602 Patent.

(3) Patent Claims Corresponding to the Proposed Count

Claims 1-16 of the ‘602 Patent correspond to the Count. It will be appreciated that claim 1 of the ‘602 Patent corresponds exactly to the Count. The remaining claims 2-16, which are all dependent claims, define embodiments that are patentably indistinct from the Count.

(4) Application Claims Corresponding to the Proposed Count and Explanation of Correspondence to Count

Claims 1-44 of the Present Application correspond to the Count.

Independent claim 1 of the Present Application corresponds exactly to the Count and to claim 1 of the ‘602 Patent.

Dependent claims 2-14 of the Present Application merely further define elements of claim 1 or recite the addition of elements which were known for use in the relevant art prior to the effective filing date of the Present Application. As such, they are not believed to define separately patentable subject matter, and should be designated as corresponding to the Count along with claim 1 of the Present Application. In fact, claims 1-14 are for the most part identical to those of the ‘602 Patent as set forth in the attached Appendix B, thus demonstrating that both the claims of the Present Application as well as the claims of the ‘602 Patent are properly designated to correspond to the Count.

Independent claim 15 of the Present Application is essentially the same as the Count, except that it recites “means for blocking the screws including at least one slide mounted on the

plate to selectively cover at least a part of at least one of the screws,” whereas the Count recites “a locking plate . . . wherein the locking plate is secured to the fixation plate and is longitudinally adjustable along said longitudinal axis from a first position wherein the bone fastener can be fixed to said bone to a second position in which the bone fastener is locked into position by the locking plate.” The “means for blocking” element in claim 15 of the Present Application would be interpreted under 35 U.S.C. § 112, ¶ 6 to cover the corresponding structure in the specification and equivalents thereof. The corresponding structure includes a locking plate (522) secured to the fixation plate (501) which is longitudinally adjustable along the longitudinal axis of the fixation plate (501) from a first position, *see Figure 3*, wherein the bone screw can be fixed to the bone to a second position, *see Figure 3*, in which the bone screw is locked into position by the locking plate. Accordingly, the “means for blocking” element of claim 15 of the Present Application is directed to substantially the same subject matter as the “locking plate” recited in claim 1 of the ‘602 Patent. Claim 15 of the Present Application should therefore be designated as corresponding to the Count.

Dependent claim 16 of the Present Application recites elements that were known in the relevant art prior to the effective filing date of the Present Application. As such, it is not believed to define separately patentable subject matter, and should be designated as corresponding to the Count along with claim 15 of the Present Application.

Claims 17-30 of the Present Application are identical to claims 1-14 of the Present Application except that they use the term “washer” in place of the term “locking plate.” This difference in terminology does not render claims 17-30 patentably distinguishable from the Count. As Figures 8-9 of the Present Application illustrate, the washer 90 is in fact a plate that slides in a longitudinal direction relative to the plate 31 that is secured to the vertebrae. As set forth in the Present Application at ¶ 82, “[w]asher 90 is translatable from an unlocked position (FIG. 8) for bone screw insertion to a locked position (FIG. 9) after screw insertion to contact the head of the bone screws in holes 34 and overlap the heads of bone screws in slots 32, 35.” Accordingly, claims 17-30 of the Present Application should be designated as corresponding to the Count.

Claims 31-44 of the Present Application are identical to claims 1-14 of the Present Application except that they use the term “retainer mechanism” in place of the term “locking plate.” This difference in terminology does not render claims 31-44 patentably distinguishable

from the Count. Accordingly, claims 31-44 of the Present Application should be designated as corresponding to the Count. The “retainer assembly” 33 is referred to, for example, in connection with Figures 8-10. Such assembly includes the washer component discussed above that is slid able between an open position for insertion of bone screws and a locked position to prevent the bone screws from backing out.

(5) Application of Terms to Application Disclosure

Applicants’ claims 1-44 have been presented as corresponding to the Count. Attached as Appendix C is a table showing at least a portion of the support for Applicants’ claims 1-16 within the disclosure of the Present Application. For the Examiner’s convenience, the table also includes citations to parent applications of the Present Application. The support for claims 17-30 of the Present Application is the same as that shown in Appendix C for claims 1-14, respectively. The support for claims 31-44 of the Present Application is the same as that shown in Appendix C for claims 1-14, respectively. Thus, as is apparent from the discussion in the previous section, the term “washer” and the term “retainer mechanism” are simply alternative ways of referring to the locking member/plate that slides in a longitudinal direction and provides an open position for insertion of the bone screws and a locked position for retention of the bone screws.

(6) Explanation Under 35 U.S.C. § 135(b)

Claims 1-14, 17-23, and 25-44 of the Present Application were presented on April 30, 2002, which is less than one year after May 1, 2001, the issue date of the ‘602 Patent. Claims 15-16 of the Present Application were presented on October 20, 2000, which is less than one year after the issue date of the ‘602 Patent. Accordingly, no explanation under 35 U.S.C. § 135(b) is required for these claims.

With respect to claim 24 of the Present Application, this claim corresponds to claim 73 in a Preliminary Amendment filed April 30, 2002 in parent U.S. Application No. 10/134,463, except that it now depends from claim 22 rather than claim 21 (claim 73 in the Preliminary Amendment depended from claim 70). The requirements of 35 U.S.C. § 135(b) are satisfied because claim 24 of the Present Application does not differ in any material limitation from claim 59 of the April 30, 2002 Preliminary Amendment, which is identical to claim 8 of the ‘602 Patent. *See In re Berger*, 279 F.3d 975, 981, 61 USPQ2d 1523, 1527 (Fed. Cir. 2002) (“To

establish entitlement to the earlier effective date of the existing claims for purposes of the one-year bar of 35 U.S.C. § 135(b), a party must show that the later filed claim does not differ from an earlier claim in any ‘material limitation.’”). The only difference between claim 24 of the Present Application and claim 59 of the April 30, 2002 Preliminary Amendment is that claim 24 uses the term “washer” in place of the term “locking plate,” which, as discussed above, is an insignificant distinction. Claim 59 of the April 30, 2002 Preliminary Amendment is identical to claim 8 of the ‘602 Patent. Accordingly, the requirements of 35 U.S.C. § 135(b) are met for claim 24 of the Present Application.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the U.S. Patent and Trademark Office declare an interference between the Present Application and the ‘602 Patent. Furthermore, pursuant to 37 C.F.R. § 1.607(b), Applicants respectfully request that the examination of the Present Application be conducted “with special dispatch.”

If the Examiner believes that prosecution or declaration of the interference might be advanced by discussing the application or the contents of this request with Applicants’ counsel, in person or by telephone, the undersigned would welcome the opportunity to do so.

It is believed that no fees are due with this request. However, in the event any fees are due, the Director is hereby authorized to charge the undersigned’s Deposit Account No. 50-0206.

Respectfully submitted,

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APPENDIX A
Proposed Count

1. A bone plate assembly comprising:
a fixation plate having a longitudinal axis along said plate, a locking plate, and a bone fastener wherein the fixation plate can be fixed by at least said bone fastener to a bone, and
wherein the locking plate is secured to the fixation plate and is longitudinally adjustable along said longitudinal axis from a first position wherein the bone fastener can be fixed to said bone to a second position in which the bone fastener is locked into position by the locking plate.

APPENDIX B
Comparison of '602 Patent Claims
and Claims 1-14 of the Present Application

'602 Patent Claims	Present Application Claims
1	1
2	2
3	3
4	4
5. A bone plate assembly as set forth in claim 4, wherein the guide way includes opposing undercuts to restrain the locking plate vertically as well as laterally.	No corresponding claim
6	5
7	6
No corresponding claim.	7. A bone plate assembly as set forth in claim 6, wherein said locking plate has an exterior surface and said slot includes a counter sink.
8	8
9	9
10. A bone plate assembly as set forth in claim 9, wherein said lock screw includes a terminal flanged area.	No corresponding claim
11. A bone plate assembly as set forth in claim 10, wherein said lock screw is swaged.	No corresponding claim
12	10
13	11
14	12
15	13
16	14

APPENDIX C
Support in the Present Application

Applicant's Claims	Application Support
1. A bone plate assembly comprising;	“The present invention also relates to an implant for the spine, and more particularly, but not exclusively relates to an anterior plate for maintaining a bone graft, bone anchorage screws for the plate and means for blocking the screws and preventing any migration of the latter.” Present Application at ¶ 3; PCT Application No. PCT/IB99/00794 (hereinafter “Assaker PCT”) at p. 1, lines 6-10.
a fixation plate having a longitudinal axis along said plate,	“Shown in Figure 1 is a cervical spine segment C2, C3, C4, C5, and between the vertebrae C4 and C5 (more usually C4 and C5) of which a bone graft G (partially visible) is disposed, this graft G being covered by an anterior plate 501 whose function is to stabilize the spine and to maintain this bone graft G in position. Present Application at ¶ 62; Assaker PCT at p. 4, lines 11-14. As shown in Figure 1 of the Present Application, the plate 501 has a longitudinal axis, <i>i.e.</i> , along the vertical centerline of the device.
a locking plate,	“Each pair of bone anchorage screws 506, and each pair of screws 507, is associated with a slide 522 for locking screws 506, 507 after anchorage in the vertebral bodies C4, C5, respectively; and thereby preventing migration of the screws 506, 507.” Present Application at ¶ 65; Assaker PCT at p. 4, lines 30-32.
and a bone fastener	“The plate 501 is provided adjacent to each of its ends 504, 505 with a pair of bone anchorage screws 506, 507 at C4 and C5 which are unicortical and therefore short, and a central screw 508 which is engaged in an oblong opening 509.” Present Application at ¶ 63; Assaker PCT at p. 4, lines 17-19.
wherein the fixation plate can be fixed by at least said bone fastener to a bone, and	“Each of the screws 506, 507 extends through a corresponding opening 511, 512 which is of generally circular section but has a spherical wall 513, 514 acting as a bearing surface for the corresponding head 515, 516 of screws 506, 507.” Present Application at ¶ 63; Assaker PCT at p. 4, lines 19-22.

<p>wherein the locking plate is secured to the fixation plate and is longitudinally adjustable along said longitudinal axis from a first position wherein the bone fastener can be fixed to said bone to a second position in which the bone fastener is locked into position by the locking plate.</p>	<p>“[E]ach platelet 522a is provided with two lateral flanges 525 which project from the sides 523 under the central part of the platelet 522a. Each of the flanges 525 is adapted to form a shoe 525a slidable along a respective retaining ramp 526 (FIGS. 2 and 6).” Present Application at ¶ 66; Assaker PCT at p. 5, lines 10-13. “Each pair of bone anchorage screws 506, and each pair of screws 507, is associated with a slide 522 for locking screws 506, 507 after anchorage in the vertebral bodies C4, C5, respectively; and thereby preventing migration of the screws 506, 507.” Present Application at ¶ 65; Assaker PCT at p. 4, lines 30-32. “The two large sides 528, 529 of each platelet 522a are concave and the apices 531, 532 of each platelet 522a are rounded so that the rounded apices 531, 532 of the sides 528 close to the screws 506 or 507 are able to partly overlap the heads 515, 516 of the screws 506, 507 when the platelets 522a are in position for locking the screws 506, 507 (FIGS. 1, 2, 5, 6).” Present Application at ¶ 67; Assaker PCT at p. 5, lines 17-20. “[M]eans are provided for retaining the platelets 522a in their position for locking the screws 506, 507.” Present Application at ¶ 68; Assaker PCT at p. 5, lines 25-26. As shown in Figure 3 of the Present Application, the platelets 522a slide in the longitudinal direction of the plate 501 from a first position in which the bone screw can be fixed to the bone to a second position in which the bone screw is locked into position by the platelet 522a.</p>
<p>2. A bone plate assembly as set forth in claim 1, wherein said locking plate has only limited vertical and longitudinal freedom relative to the fixation plate.</p>	<p>As shown in Figure 3 of the Present Application, the platelets 522a move longitudinally from a first position to a second position. In addition, “each platelet 522a is provided with two lateral flanges 525 which project from the sides 523 under the central part of the platelet 522a. Each of the flanges 525 is adapted to form a shoe 525a slidable along a respective retaining ramp 526 (FIGS. 2 and 6).” Present Application at ¶ 66; Assaker PCT at p. 5, lines 10-13. “[A]fter the bone graft G has been placed in position in the discal</p>

	<p>space previously prepared, the surgeon positions the plate 501 equipped with slides 522 and attaches it by means of screws 506 and 507. Afterwards he makes each slide 522 run from the bottom of its housing cavity 518 until flanges 525 come and stop against screws heads 515 and 516.” Present Application at ¶ 70; Assaker PCT at p. 6, lines 10-14.</p>
<p>3. A bone plate assembly as set forth in claim 2, wherein the longitudinal freedom is defined by a sliding connection between the locking plate and the fixation plate.</p>	<p>“[A]fter the bone graft G has been placed in position in the discal space previously prepared, the surgeon positions the plate 501 equipped with slides 522 and attaches it by means of screws 506 and 507. Afterwards he makes each slide 522 run from the bottom of its housing cavity 518 until flanges 525 come and stop against screws heads 515 and 516.” Present Application at ¶ 70; Assaker PCT at p. 6, lines 10-14.</p>
<p>4. A bone plate assembly as set forth in claim 3, wherein the fixation plate has a bottom surface which faces the bone and a top surface spaced therefrom, and the sliding connection is formed by providing opposing shoulders in the top surface of the fixation plate so as to define a guide way for the locking plate.</p>	<p>Figure 1 of the Present Application shows that the bottom surface of the fixation plate faces the vertebrae C4 and C5. “The flanges 525 have a width l allowing their insertion in the slots 526a between the sides 524 of the cavity 518 and the opposing sides 520 of the bridge 519, so that their inner faces 527 are placed in sliding contact with the sides 520 of the bridge 519 (FIG. 6) when the platelet 522a has been placed in position.” Present Application at ¶ 66; Assaker PCT at p. 5, lines 13-16.</p>
<p>5. A bone plate assembly as set forth in claim 3, wherein the vertical freedom is defined by a lock screw which extends through an opening in the locking plate to secure the locking plate to the fixation plate.</p>	<p>“The present invention contemplates a system for anterior fixation of the spine that utilizes an elongated fixation plate.” Present Application at ¶ 19; U.S. Patent No. 6,533,786 (hereinafter “Needham Patent”) at col. 2, lines 15-16.¹ “Plate 31 has a longitudinal axis L extending along the length of the plate at its centerline.” Present Application at ¶ 77; Needham Patent at col. 6, lines 33-35. “Retainer assembly 33 includes a washer 90 having a length that substantially corresponds to the length of plate 31.” Present Application at ¶ 81; Needham</p>

¹ Specification support in the grandparent Needham Patent (U.S. Patent No. 6,533,786) for the elements of claims 1-3, from which claim 5 depends, is set forth in this block, in addition to specification support for the elements of claim 5.

	<p>Patent at col. 7, lines 26-28. "In accordance with the present invention, the plating system 30 includes an elongated plate 31 having a number of openings therethrough and a number of bone engaging fasteners, shown in the form of bone screws 50, that are insertable through the openings." Present Application at ¶ 77; Needham Patent at col. 6, lines 28-32. "Locking fasteners, shown in the form of screws 85, are positionable, each through a corresponding one of the apertures 91, to engage a fastener bore 70 (see FIGS. 11(a)-11(f)) in plate 51 and couple washer 90 to plate 31." Present Application at ¶ 81; Needham Patent at col. 7, lines 37-41. "Consequently, retainer assembly 33 retains screws 50 placed into the vertebral bodies at each of the instrumented levels. Washer 90 is translatable from an unlocked position (FIG. 8) for bone screw insertion to a locked position (FIG. 9) after screw insertion to contact the head of the bone screws in holes 34 and overlap the heads of bone screws in slots 32, 35." Present Application at ¶ 82; Needham Patent at col. 7, lines 42-48. "Back-out of the bone screws in slots 32, 35 is prevented when the bone screw backs out from its seated position a sufficient amount to contact washer 90." Present Application at ¶ 82; Needham Patent at col. 7, lines 50-53. "In a further aspect of the invention, the retainer assembly 33 may be loosely fixed on plate 31 so the surgeon need not fiddle with applying retainer assembly 33 to plate 31 during surgical procedures. The locking fasteners 85 are pre-inserted through apertures 91 of washer 90 and partially threaded into fastener bores 70." Present Application at ¶ 120; Needham Patent at col. 16, lines 18-23. "Once screws 50 are placed through holes 34 and in slots 32 and 35, washer 90 of retainer assembly 33 may be translated to its locked condition shown in FIG. 9." Present Application at ¶ 84; Needham Patent at col. 8, lines 11-13.</p>
6. A bone plate assembly as set forth in claim 5, wherein the distance between the first	"Washer 90 is translatable from an unlocked position (FIG. 8) for bone screw insertion to a

<p>position and the second position defines a longitudinal play and said opening in said locking plate is a slot having a first end opposing a second end which together define the longitudinal play of the locking plate relative to the fixation plate.</p>	<p>locked position (FIG. 9) after screw insertion . . ." Present Application at ¶ 82; Needham Patent at col. 7, lines 44-46. "The locking fasteners 85 are pre-inserted through apertures 91 of washer 90 and partially threaded into fastener bores 70. Washer 90 is initially positioned such that the second end of each aperture 91 is positioned adjacent locking screw 85. After positioning screws 50 through the holes and slots of plate 31, locking fasteners 85 are advanced further into bores 70 and along tapered portions 92 of apertures 91 to translate washer 90 to a locked condition and retain bone screws 50 in plate 31." Present Application at ¶ 120; Needham Patent at col. 16, lines 21-29. "This downward threading of locking screw 85 causes the tapered countersink 92 of washer 90 to ride along the head of locking screw 85 until locking screw 85 contacts the first end of aperture 91." Present Application at ¶ 84; Needham Patent at col. 8, lines 19-22.</p>
<p>7. A bone plate assembly as set forth in claim 6, wherein said locking plate has an exterior surface and said slot includes a counter sink.</p>	<p>"Aperture 91 has a tapered countersink portion 92 therearound adjacent top surface 100b. Aperture 91 allows passage of shank 86 of locking screw 85 therethrough, and countersink 92 is preferably configured to mate with conical surface 89 and seat locking screw 85 at various positions along the length of aperture 91." Present Application at ¶ 94; Needham Patent at col. 10, lines 35-40.</p>
<p>8. A bone plate assembly as set forth in claim 7, wherein said locking plate has an exterior surface and said slot includes a counter sink which enables the lock screw to sink substantially flush with the exterior surface of the locking plate.</p>	<p>"Aperture 91 has a tapered countersink portion 92 therearound adjacent top surface 100b." Present Application at ¶ 94; Needham Patent at col. 10, lines 35-36. As shown in Figure 26a of the Present Application, the lock screw 85 is substantially flush with the exterior surface of the washer 90.</p>
<p>9. A bone plate assembly as set forth in claim 5, wherein the lock screw engages a threaded bore within the locking plate and extends through a hole in the fixation plate, and further has means to restrain it from exiting the threaded hole of the fixation plate.</p>	<p>"Locking screw 85 includes a shank 86 having machine threads thereon. In one specific embodiment, locking screw 85 terminates in a sharp point 88 that permits penetration into the vertebral body when locking screw 85 is secured in threaded fastener bore 70." Present Application at ¶ 93; Needham Patent at col. 10, lines 19-23. As shown in Figure 26a, the</p>

	threads of the shank 86 when engaged with the vertebral body V2, restrain the locking screw 85 from exiting the threaded hole of the fixation plate.
10. A bone plate assembly as set forth in claim 1, wherein said locking plate can simultaneously lock multiple bone fasteners into position.	“The two large sides 528, 529 of each platelet 522a are concave and the apices 531, 532 of each platelet 522a are rounded so that the rounded apices 531, 532 of the sides 528 close to the screws 506 or 507 are able to partly overlap the heads 515, 516 of the screws 506, 507 when the platelets 522a are in position for locking the screws 506, 507 (FIGS. 1, 2, 5, 6).” Present Application at ¶ 67; Assaker PCT at p. 5, lines 17-20.
11. A bone plate assembly as set forth in claim 1, wherein said bone fasteners are screws.	“The plate 501 is provided adjacent to each of its ends 504, 505 with a pair of bone anchorage screws 506, 507 at C4 and C5 which are unicortical and therefore short, and a central screw 508 which is engaged in an oblong opening 509.” Present Application at ¶ 63; Assaker PCT at p. 4, lines 17-19.
12. A bone plate assembly as set forth in claim 1, wherein at least two bone fasteners are included and said locking plate can simultaneously lock all the bone fasteners of said fixation plate.	“Optionally, the plate may be provided with only a single blocking slide 522, the second pair of screws being for example associated with other blocking means, or being absent.” Present Application at ¶ 72; Assaker PCT at p. 6, line 32 - p. 7, line 1.
13. A bone plate assembly as set forth in claim 1, wherein a plurality of bone fasteners are used, and all of the bone fasteners of the fixation plate are aligned to enable them to be locked by the locking plate.	“Optionally, the plate may be provided with only a single blocking slide 522, the second pair of screws being for example associated with other blocking means, or being absent.” Present Application at ¶ 72; Assaker PCT at p. 6, line 32 - p. 7, line 1.
14. A bone plate assembly as set forth in claim 1, wherein said locking plate includes at least one opening for a bone fastener which is concentrically aligned with at least one opening for a bone fastener in said fixation plate when said locking plate is in a first position.	“As previously mentioned, sharp point 88 of locking screw 85 is preferably configured to penetrate the cortical bone. In one embodiment, sharp point 88 will penetrate the vertebra when plate 31 is initially positioned on the bone. In this instance, locking screw 85 helps locate and temporarily stabilize the plate on the vertebra as the bone screws 50 are engaged to the vertebra.” Present Application

	<p>at ¶ 121; Needham Patent at col. 16, lines 30-36.² As shown in Figure 26a of the Present Application, the locking screw 85 passes through aligned holes in the washer 90 and the plate 31.</p>
<p>15. An implant for the spine, comprising:</p>	<p>“The present invention also relates to an implant for the spine, and more particularly, but not exclusively relates to an anterior plate for maintaining a bone graft, bone anchorage screws for the plate and means for blocking the screws and preventing any migration of the latter.” Present Application at ¶ 3; Assaker PCT at p. 1, lines 6-10.</p>
<p>a plate for stabilizing the spine, the plate having a number of openings;</p>	<p>“Accordingly, one object of the present invention is to provide a unique device for stabilizing a patient’s spine.” Present Application at ¶ 14; Assaker PCT at p. 2, lines 4-5. “The plate 501 is provided adjacent to each of its ends 504, 505 with a pair of bone anchorage screws 506, 507 at C4 and C5 which are unicortical and therefore short, and a central screw 508 which is engaged in an oblong opening 509. Each of the screws 506, 507 extends through a corresponding opening 511, 512 which is of generally circular section but has a spherical wall 513, 514 acting as a bearing surface for the corresponding head 515, 516 of screws 506, 507.” Present Application at ¶ 63; Assaker PCT at p. 4, lines 17-22.</p>
<p>a number of bone anchorage screws each operable to engage a corresponding one of the openings of the plate; and</p>	<p>“Each of the screws 506, 507 extends through a corresponding opening 511, 512 which is of generally circular section but has a spherical wall 513, 514 acting as a bearing surface for the corresponding head 515, 516 of screws 506, 507.” Present Application at ¶ 63; Assaker PCT at p. 4, lines 19-22.</p>
<p>means for blocking the screws including at least one slide mounted on the plate to selectively cover at least a part of at least one of the screws and means for retaining the slide</p>	<p>“Each pair of bone anchorage screws 506, and each pair of screws 507, is associated with a slide 522 for locking screws 506, 507 after anchorage in the vertebral bodies C4, C5,</p>

² Specification support in the grandparent Needham Patent (U.S. Patent No. 6,533,786) for the elements of claim 1, from which claim 14 depends, is set forth above for claim 5 of the Present Application.

on at least one of the screws, the slide cooperating with the retaining means.	respectively; and thereby preventing migration of the screws 506, 507.” Present Application at ¶ 65; Assaker PCT at p. 4, lines 30-32. “Referring more specifically to FIGS. 2-6, means are provided for retaining the platelets 522a in their position for locking the screws 506, 507. In the presently-described embodiment, these means comprise, for each platelet 522a, a central boss 533 projecting from the lower face 533a of the platelet 522a, namely that placed in contact with the surface 519a of the support bridge 519, and a corresponding recess 534 provided in the central part of the bridge 519.” Present Application at ¶ 68; Assaker PCT at p. 5, lines 25-30.
16. The implant according to claim 15, wherein the plate defines a cavity and the slide is mounted within the cavity.	“Each pair of openings 511 and 512 opens onto a respective cavity 518 provided in the adjacent surface 501a of the plate 501.” Present Application at ¶ 64; Assaker PCT at p. 4, lines 23-24. “Each platelet 522a, not cambered in the free state, is generally slightly cambered in order to make it possible to insert it into its housing cavity 518.” Present Application at ¶ 65; Assaker PCT at p. 5, lines 4-5.